

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

For the reasons stated in the accompanying memorandum opinion, it is hereby

ORDERED

that the petitioner's motion to alter or amend judgment, pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, shall be and hereby is **DENIED**.

The Clerk is directed to send certified copies of this memorandum opinion and accompanying order to the petitioner and counsel of record for the respondent.

ENTER: This 28 day of March, 2006.

Senior United States District Judge